

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the outstanding ground of rejection is respectfully requested in light of the above amendments and the remarks which follow.

At the outset, applicant gratefully acknowledges the Examiner's indication that claims 12, 14, 15, 18, 20-22, 25 and 26 contain allowable subject matter.

By this proposed amendment, applicant has rewritten claims 12, 14, 18 and 25 in independent form, thereby placing claims 12, 14, 18, 21, 22, 25 and 26 in condition for immediate allowance. Claim 24 has been cancelled.

The Examiner has rejected claims 11, 13, 16, 17, 19, 23 and 24 under 35 U.S.C. 102(b) as anticipated by Mizelle (U.S. 5,709,500). The Examiner regards the sofa arm 4 and connector block 116 as the claimed first perforated component and the sofa back 2 and connector block 214 as the second perforated component. Additional structural details contained in the rejected claims are allegedly found in Mizelle, and reference is made to pages 2 and 3 of the Official Action for the Examiner's rationale.

The single reference relied upon by the Examiner relates to a connector assembly for connecting components of knock down furniture. Stated simply, Mizelle discloses mating or interdigitated connector blocks (for example, 14, 16 in Figure 1) that, once properly oriented, are held together by a single hollow tapered pin (see Figure 3). The invention in no way relates to a tube plate for a chemical reactor or heat exchanger that is adapted to hold a bundle of tubes as required by each of independent claims 11, 17 and 23. Applicant has even further distinguished the claims from the subject matter of

Mizelle by inserting language in both the preamble and the body of the claim to even more clearly distinguish the claimed subject matter over the prior art relied upon by the Examiner. Thus, independent claim 11 requires a tube plate for a chemical reactor or heat exchanger adapted to hold the bundle of tubes, the tube plate comprising a first plate component perforated to receive a first plurality of tubes of the bundle and having a first facing edge thereof; and a second plate component perforated to receive a second plurality of tubes of the bundle having a second facing edge. Not only does Mizelle fail to disclose or suggest a tube plate for a chemical reactor or heat exchanger, but in addition, the connector blocks in Mizelle do not provide response for the claimed first and second plate components that are perforated to receive a first plurality of tubes. Specifically, a sofa arm and connector (or a sofa back and connector) do not in any way provide response for the claimed reactor or heat exchanger tube plate components.

Independent claim 7 has been amended to require a tube plate for a chemical reactor or heat exchanger, adapted to receive a plurality of tubes in a manner similar to claim 1. Claim 17 further requires that the tube plate comprise first and second semi-circular plate components joined together mechanically along a smooth interface defined by a pair of facing straight edges. The combined sofa components and connector blocks in Mizelle do not provide response for the limitations in claim 7.

Independent claim 23 has similarly been amended to require a tube plate for holding a plurality of tubes in the chemical reactor or heat exchanger. The claim further requires that the tube plate comprise first and second semi-circular plate components,

each having a plurality of perforations for receiving individual ones of the tubes. Here again, Mizelle discloses or suggests no such structure. To suggest that the arm component 4 of the sofa and the back component 2 of the sofa are semi-circular plate components is wholly unreasonable and clearly not supportive of a Section 102 anticipation rejection. It is also pointed out that for each pair of connector blocks disclosed in Mizelle, only a single pin fastener 18 is employed, establishing an even further ground of structural distinction.

It is also pointed out that various limitations in the dependent claims, specifically dependent claims 13, 15, 19 and 20-22 are also nowhere disclosed in Mizelle.

It is respectfully submitted that with the above changes, all of the remaining application claims 11-23, 25 and 26 are in condition for immediate allowance, and early passage to issue is requested.


The amendments to the claims were not previously made because the Mizelle patent, now the sole reference relied upon by the Examiner, was only introduced in the most recent Office Action. Moreover, since the application is now clearly in condition for allowance, entry of amendment is consistent with the provisions of 37 CFR 1.116.

In the event any small matters remain outstanding, the Examiner is encouraged to telephone the undersigned so that the prosecution of this application can be expeditiously concluded.

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Respectfully submitted,

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